

1 AN ACT concerning family law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Parentage Act of 1984 is amended by  
5 changing Section 6 as follows:

6 (750 ILCS 45/6) (from Ch. 40, par. 2506)

7 Sec. 6. Establishment of Parent and Child Relationship by  
8 Consent of the Parties.

9 (a) A parent and child relationship may be established  
10 voluntarily by the signing and witnessing of a voluntary  
11 acknowledgment of parentage in accordance with Section 12 of  
12 the Vital Records Act, Section 10-17.7 of the Illinois Public  
13 Aid Code, or the provisions of the Gestational Surrogacy Act.  
14 The voluntary acknowledgment of parentage shall contain the  
15 social security numbers of the persons signing the voluntary  
16 acknowledgment of parentage; however, failure to include the  
17 social security numbers of the persons signing a voluntary  
18 acknowledgment of parentage does not invalidate the voluntary  
19 acknowledgment of parentage.

20 (1) A parent-child relationship may be established in  
21 the event of gestational surrogacy if all of the following  
22 conditions are met prior to the birth of the child:

23 (A) The gestational surrogate certifies that she  
24 is not the biological mother of the child, and that she  
25 is carrying the child for the intended parents.

26 (B) The husband, if any, of the gestational  
27 surrogate certifies that he is not the biological  
28 father of the child.

29 (C) The intended mother certifies that she  
30 provided or an egg donor donated the egg from which the  
31 child being carried by the gestational surrogate was  
32 conceived.

1 (D) The intended father certifies that he provided  
2 or a sperm donor donated the sperm from which the child  
3 being carried by the gestational surrogate was  
4 conceived.

5 (E) A physician licensed to practice medicine in  
6 all its branches in the State of Illinois certifies  
7 that the child being carried by the gestational  
8 surrogate is the biological child of the intended  
9 mother or the ~~and~~ intended father or both and that  
10 neither the gestational surrogate nor the gestational  
11 surrogate's husband, if any, is a biological parent of  
12 the child being carried by the gestational surrogate.

13 (E-5) The attorneys for the intended parents and  
14 the gestational surrogate each certifies that the  
15 parties entered into a gestational surrogacy contract  
16 intended to satisfy the requirements of Section 25 of  
17 the Gestational Surrogacy Act with respect to the  
18 child.

19 (F) All certifications shall be in writing and  
20 witnessed by 2 competent adults who are not the  
21 gestational surrogate, gestational surrogate's  
22 husband, if any, intended mother, or intended father.  
23 Certifications shall be on forms prescribed by the  
24 Illinois Department of Public Health, shall be  
25 executed prior to the birth of the child, and shall be  
26 placed in the medical records of the gestational  
27 surrogate prior to the birth of the child. Copies of  
28 all certifications shall be delivered to the Illinois  
29 Department of Public Health prior to the birth of the  
30 child.

31 (2) Unless otherwise determined by order of the Circuit  
32 Court, the child shall be presumed to be the child of the  
33 gestational surrogate and of the gestational surrogate's  
34 husband, if any, if all requirements of subdivision (a)(1)  
35 are not met prior to the birth of the child. This  
36 presumption may be rebutted by clear and convincing

1 evidence. The circuit court may order the gestational  
2 surrogate, gestational surrogate's husband, intended  
3 mother, intended father, and child to submit to such  
4 medical examinations and testing as the court deems  
5 appropriate.

6 (b) Notwithstanding any other provisions of this Act,  
7 paternity established in accordance with subsection (a) has the  
8 full force and effect of a judgment entered under this Act and  
9 serves as a basis for seeking a child support order without any  
10 further proceedings to establish paternity.

11 (c) A judicial or administrative proceeding to ratify  
12 paternity established in accordance with subsection (a) is  
13 neither required nor permitted.

14 (d) A signed acknowledgment of paternity entered under this  
15 Act may be challenged in court only on the basis of fraud,  
16 duress, or material mistake of fact, with the burden of proof  
17 upon the challenging party. Pending outcome of the challenge to  
18 the acknowledgment of paternity, the legal responsibilities of  
19 the signatories shall remain in full force and effect, except  
20 upon order of the court upon a showing of good cause.

21 (e) Once a parent and child relationship is established in  
22 accordance with subsection (a), an order for support may be  
23 established pursuant to a petition to establish an order for  
24 support by consent filed with the clerk of the circuit court. A  
25 copy of the properly completed acknowledgment of parentage form  
26 shall be attached to the petition. The petition shall ask that  
27 the circuit court enter an order for support. The petition may  
28 ask that an order for visitation, custody, or guardianship be  
29 entered. The filing and appearance fees provided under the  
30 Clerks of Courts Act shall be waived for all cases in which an  
31 acknowledgment of parentage form has been properly completed by  
32 the parties and in which a petition to establish an order for  
33 support by consent has been filed with the clerk of the circuit  
34 court. This subsection shall not be construed to prohibit  
35 filing any petition for child support, visitation, or custody  
36 under this Act, the Illinois Marriage and Dissolution of

1 Marriage Act, or the Non-Support Punishment Act. This  
2 subsection shall also not be construed to prevent the  
3 establishment of an administrative support order in cases  
4 involving persons receiving child support enforcement services  
5 under Article X of the Illinois Public Aid Code.

6 (Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.